

PASTURES PROTECTION (AMENDMENT) ACT.

Act No. 18, 1955.

An Act to provide for increased contributions by Pastures Protection Boards to Dingo Destruction Boards; to increase the Pastures Protection rate; for these and other purposes to amend the Pastures Protection Act, 1934-1954; and for purposes connected therewith. [Assented to, 18th April, 1955.]

Elizabeth II,
No. 18, 1955.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pastures Protection (Amendment) Act, 1955."

Short title
and
citation.

(2)

144 Pastures Protection (Amendment) Act.

No. 18, 1955. (2) The Pastures Protection Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Pastures Protection Act, 1934-1955.

Amendment of Act No. 35, 1934. **2.** The Pastures Protection Act, 1934-1954, is amended—

Sec. 6. (Board.) (a) by inserting at the end of subsection seven of section six the following paragraph:—

The chairman, deputy-chairman, or member elected to be chairman for a meeting, whilst presiding at any meeting of the board shall, in the case of an equality of votes at such meeting, have a deliberative as well as a casting vote:

Provided that the chairman, deputy-chairman, or member elected to be chairman for a meeting, shall not, in the case of an equality of votes at an election of chairman or deputy-chairman, have a deliberative as well as a casting vote.

New sec. 9A. (b) by inserting next after section nine the following new section:—

9A. (1) The board may insure its directors against personal injury, whether fatal or not, arising out of or in the course of—

Insurance of directors. cf. Act No. 41, 1919, s. 28A.

- (a) their attendance at any meeting of the board or a committee thereof which they are authorised or required to attend; or
- (b) their undertaking or performing any business of the board with the prior approval of the board; or
- (c) any journey in connection with such business.

(2) In respect of any such contract of insurance the board shall be deemed to have an insurable interest.

(3)

(3) Any sum received by the board under any such contract of insurance, after deducting therefrom any expenses incurred in the recovery thereof, shall be paid by it to, or to the personal representative of, the director in respect of whom the sum was received. No. 18, 1955.

- (c) by omitting from section sixteen the word "March" and by inserting in lieu thereof the word "April"; Sec. 16.
(Yearly accounts to be published.)
- (d) by omitting from subsection four of section nineteen the words "twenty-eighth day of February" and by inserting in lieu thereof the words "thirty-first day of March"; Sec. 19.
(Pastures Protection Fund.)
- (e) (i) by omitting from subsection four of section thirty the word "eightpence" and by inserting in lieu thereof the words "one shilling"; Sec. 30.
(Amount of rate.)
- (ii) by inserting in the same subsection after the word "penny" the word "half-penny";
- (f) by omitting from subsection seven of section forty-three the words "one shilling" and by inserting in lieu thereof the words "two shillings and sixpence"; Sec. 43.
(Rate on travelling stock—permit fee.)
- (g) by inserting at the end of section forty-eight the following new subsection:— Sec. 48.
(Permits, licenses, and travelling statements.)
 - (7) A board may grant a license to any person to move stock as referred to in subsection one of this section over a route of not more than two miles specified in the license at any time during the period of the license. A license shall not be granted for any period exceeding one year. The provisions of subsection one of this section shall not apply to or in respect of any stock being moved under a license issued under this subsection.

Any such license shall be subject to such conditions as the board may think necessary and the board may by notice in writing to the licensee
cancel

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cancel his license for any breach of the conditions of the license or of the provisions of this Act or the regulations.

The person in charge of any stock being moved under any such license shall upon demand by an inspector, permit officer, member of the police force, inspector under the Stock Diseases Act, 1923, or the occupier of any land through which or along the boundary road of which such stock are being moved, produce such license for inspection.

Sec. 49.
(Stock starting from previous destination to pay travelling charge.)

- (h) by omitting from subsection one of section forty-nine the word "twopence" and by inserting in lieu thereof the word "fourpence";

Sec. 50.
(Persons in charge of travelling stock to produce permit or statement, etc.)

- (i) by inserting at the end of section fifty the following new paragraph:—

The person in charge of travelling stock or working large stock shall when so required by an inspector, permit officer, member of the police force, inspector under the Stock Diseases Act, 1923, or the occupier of any land through which or along the boundary road of which such travelling stock or working large stock are being moved, permit such stock to be inspected by such inspector, permit officer, member of the police force, inspector under the Stock Diseases Act, 1923, or occupier.

Sec. 62.
(Permitting stock to remain in reserves.)

- (j) by inserting in section sixty-two after the word "crutched" the words "or for such purposes as may be prescribed,";

Sec. 66.
(Stock unlawfully on a travelling stock reserve.)

- (k) (i) by omitting from paragraph (a) of subsection one of section sixty-six the words "or travelling statement," and by inserting in lieu thereof the words "travelling statement, or license issued under subsection seven of section forty-eight of this Act,";
(ii)

(ii) by omitting from paragraph (d) of the No. 18, 1955. same subsection the words "and not separated therefrom by a fence or other means of enclosure whether natural or artificial" and by inserting in lieu thereof the words "where no boundary or dividing fence has ever existed between such land and the travelling stock reserve, and such land is not separated from the travelling stock reserve by any other means of enclosure whether natural or artificial";

(iii) by inserting next after paragraph (d) of the same subsection the following new paragraph:—

(d1) stock, pigs or goats owned by the occupier of land bounded or intersected by the travelling stock reserve where a boundary or dividing fence which existed between such land and the travelling stock reserve has ceased to be stock proof by reason of fire, flood, storm or other cause beyond the control of the occupier and such occupier has not had reasonable opportunity to restore or repair effectively such boundary or dividing fence;

(iv) by inserting next after subsection three of the same section the following new subsection:—

(3A) Any rig found on any travelling stock reserve the owner of which is unknown to the inspector for the district may with the approval of the chairman of the board be destroyed by such inspector.

(1) (i) by inserting next after subsection three of Sec. 97. section ninety-seven the following new (Dingo destruction board.) subsection:—

(3A) For each member of a dingo destruction board there shall be a deputy appointed

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appointed by the Governor from persons nominated for appointment as deputy members in accordance with this section and a deputy shall act as such during the term of office of the member of whom he is the deputy.

A deputy member may act in the office of the member in respect of whom he has been appointed a deputy during such time as the member is prevented by absence, illness or otherwise from performing any duty of his office.

Whilst so acting the deputy member shall have the powers, authorities and duties of the member in respect of whom he has been appointed a deputy and be paid the like expenses for attendance at any meeting of the dingo destruction board as the member for whom he acts as deputy.

- (ii) by inserting at the end of subsection four of the same section the words "and a director or ratepayer of its district for appointment as a deputy of such member";
- (iii) by inserting at the end of subsection six of the same section the words "or a deputy of a member, as the case may be";

New sec.
97A.

- (m) by inserting next after section ninety-seven the following new section:—

97A. (1) A dingo destruction board may insure its members against personal injury, whether fatal or not, arising out of or in the course of—

Insurance
of members.
cf. Act No.
41, 1919,
s. 28A.

- (a) their attendance at any meeting of the dingo destruction board or a committee thereof which they are authorised or required to attend; or
- (b) their undertaking or performing any business of the dingo destruction board with the prior approval of the dingo destruction board; or
- (c)

- (c) any journey in connection with such business. No. 18, 1955.

(2) In respect of any such contract of insurance the dingo destruction board shall be deemed to have an insurable interest.

(3) Any sum received by the dingo destruction board under any such contract of insurance, after deducting therefrom any expenses incurred in the recovery thereof, shall be paid by it to, or to the personal representative of, the member in respect of whom the sum was received.

- (n) by inserting at the end of subsection one of section ninety-eight the following new paragraph:— Sec. 98. (Secretary and office.)

Any appointment of a secretary made after the commencement of the Pastures Protection (Amendment) Act, 1955, shall not be made except with the approval of the Minister.

- (o) by omitting from subsection three of section one hundred and three the words “ninety per centum of the amount which will be produced by a rate of one farthing” and by inserting in lieu thereof the words “ninety-five per centum of the amount which will be produced by a rate of one half-penny”; Sec. 103. (Provision for expenditure.)

- (p) by omitting from subsection two of section one hundred and four the word “farthing” and by inserting in lieu thereof the word “half-penny”; Sec. 104. (Special rate.)

- (q) (i) by inserting in subsection two of section one hundred and twenty-six after the word “erect” the words “alter or repair”; Sec. 126. (Fencing reserves.)

(ii) by inserting in the same subsection after the word “shall” the words “except where the Minister has by notification published in the Gazette approved of the issue of a notice requiring such work to be done at the full expense of such owner, and the notice

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notice issued pursuant to subsection one of this section states that the Minister has so approved”;

(iii) by inserting in the same subsection after the word “erecting” the words “altering or repairing”;

(iv) by inserting at the end of subsection three of the same section the following proviso:—

“Provided that where the Minister has by notification published in the Gazette approved of the issue of a notice requiring the work to be done at the full expense of such owner and the notice issued pursuant to subsection one of this section states that the Minister has so approved, the full cost so incurred and also the full cost of maintenance if the board maintains the fence may be recovered from such owner.”

Dingo
destruction
boards:
Variation of
estimates
for 1955.

3. (1) Within two months from the commencement of this Act a dingo destruction board may increase the estimates of its expenditure in the year one thousand nine hundred and fifty-five and may by resolution require the pastures protection boards within the dingo destruction district to provide the amount by which such estimates are so increased in addition to the moneys which such boards have been required to provide under section one hundred and three of the Pastures Protection Act, 1934-1954, in such year, and to make the same available at such times and in such instalments as are specified in the resolution.

(2) The amount to be provided by each pastures protection board under subsection one of this section—

(a) shall be that amount which bears the same proportion to the total amount required to be provided under subsection one of this section as the area of such pastures protection board ratable for pastures protection rate included in the

the dingo destruction district bears to the total area of land so ratable in the dingo destruction district; and

- (b) shall not together with the amount which such board has been required to provide under section one hundred and three of the Pastures Protection Act, 1934-1954, in the year one thousand nine hundred and fifty-five exceed the sum which is equivalent to ninety-five per centum of the amount which will be produced by a rate of one halfpenny per acre of the land ratable for pastures protection rate within the district of the pastures protection board and included in the district of the dingo destruction board.

(3) A dingo destruction board may recover as a debt from a pastures protection board the amount required to be provided by such board under the resolution.

Any such proceedings may be taken in the name of the secretary or, if there be no secretary, the chairman on behalf of the dingo destruction board.

(4) Each pastures protection board may, for the purpose of providing the amount required by a dingo destruction board under subsection one of this section and the cost of collecting the rate levy a special rate upon all land ratable for pastures protection rates which is within the pastures protection district. Such rate shall be calculated upon the area of the ratable land and shall not exceed one farthing per acre. The rate shall be made and levied within three months after the commencement of this Act and except as provided in this subsection the same provisions shall apply to the making, calculating, notification, collection and payment and recovery of such rate as apply in respect of a special rate levied under section one hundred and four of the Pastures Protection Act, 1934-1954.